



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NOV 19 2010

Angela L. Graham

Stone Mountain, GA 30087

RE: MUR 6298 (Vernon Jones for Georgia)

Dear Ms. Graham:

On November 17, 2010, the Federal Election Commission reviewed the allegations in your complaint dated May 25, 2010 and, on the basis of the information provided in your complaint, and information provided by Vernon Jones and Vernon Jones for Georgia (terminated) and Patricia Moore, in her official capacity as treasurer, exercised its prosecutorial discretion and dismissed the complaint. Accordingly, on November 17, 2010, the Commission closed the file in this matter.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009). The Factual and Legal Analyses, which more fully explain the Commission's determination, are enclosed.

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

Christopher Hughey
Acting General Counsel

BY: Mark Allen
Assistant General Counsel

Enclosures
Factual and Legal Analyses

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1 **FEDERAL ELECTION COMMISSION**

2 **FACTUAL AND LEGAL ANALYSIS**

3 **MUR 6298**

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5 **RESPONDENT:** Vernon Jones

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7 **I. GENERATION OF MATTER**

8 This matter was generated by a complaint filed with the Federal Election Commission by
9 Angela L. Graham. *See* 2 U.S.C. § 437g(a)(1).

10 **II. INTRODUCTION**

11 The complaint in this matter alleges that Vernon Jones and Vernon Jones for Georgia and
12 Patricia Moore, in her official capacity as treasurer (terminated) (the "Committee"), forged
13 complainant's signature as treasurer on various Committee filings starting December 13, 2006
14 and continuing through April 14, 2008.¹ The complainant states that she did not give the
15 Committee authority to sign her name. Former candidate Vernon Jones states that the
16 complainant agreed to be the Committee's treasurer and gave the Committee permission to sign
17 her name. Based on the available information, the Commission exercises its prosecutorial
18 discretion, dismisses the complaint, and closes the file. *See Heckler v. Chaney*, 470 U.S. 821
19 (1985).

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¹ Vernon Jones for Georgia was Mr. Jones' principal campaign committee for his U.S. Senate run. Mr. Jones lost the Democratic primary run-off election on August 5, 2008 and the Committee terminated in October 2009. Vernon Jones for Congress and Lisa Cunningham, in her official capacity as treasurer, is the 2010 principal campaign committee for Mr. Jones' unsuccessful bid for the U.S. House of Representatives from Georgia's Fourth Congressional District. Mr. Jones lost the primary election on July 20, 2010. There are no allegations with respect to Vernon Jones for Congress.

III. FACTUAL AND LEGAL ANALYSIS

A. Factual Background

The complaint alleges that Vernon Jones for Georgia and Patricia Moore, in her official capacity as treasurer (terminated) (the "Committee"), forged her signature as treasurer of the Committee on its Statement of Organization (FEC Form 1), disclosure reports (FEC Forms 3), and on letters to the Secretary of the Senate, from December 13, 2006 through April 14, 2008. According to the complainant, "I have not given anyone authority to sign my name for any reason whatsoever." Complaint at 1. She also states that she never saw letters sent to her attention from the Commission as they were sent to a post office box with which she was not associated. She requests that her name be removed or the documents be amended to remove her name as the Committee's treasurer.

In his response, former candidate Vernon Jones states that complainant's allegation that her name and signature were used on documents without her knowledge and permission is "false," and asks the Commission to dismiss the complaint. Jones Response at 2. Mr. Jones states that complainant worked for him on previous campaigns. According to Mr. Jones, complainant agreed in December 2006 to serve as treasurer of the Committee "if she did not have to deal with the paperwork because she had previous problems with paperwork on a previous campaign." Jones Response at 1. Vernon Jones states that he told complainant that he would ask Patricia Moore, the administrative assistant for his campaign, to handle the paperwork for her, and complainant agreed, later confirming that decision with Ms. Moore. According to Ms. Moore, after speaking with Mr. Jones, she called complainant in December 2006. During that conversation, complainant confirmed she would be treasurer, but only if she did not have to be bothered doing the paperwork. Ms. Moore states that she told complainant she would handle

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1 the paperwork and make sure the reports were filed for her, and the complainant agreed. Moore
2 Response at 1. Thereafter, Ms. Moore states, "[w]hen I would contact [the complainant] about
3 meeting with her to get her signature for the documents, she just told me to sign her name."
4 Moore Response at 1. Ms. Moore points out that the Committee included the complainant's
5 personal cell phone number on the Statement of Organization, which she asserts it would not
6 have done without complainant's permission. Moore Response at 2.

7 Mr. Jones also states that when complainant asked Mr. Jones to remove her name as
8 treasurer in July 2008, he relayed that request to Ms. Moore, who immediately filed an amended
9 Statement of Organization removing complainant's name as treasurer.² Jones Response at 1-2.
10 Finally, he notes that complainant is currently working on the campaign of an incumbent whom
11 Mr. Jones challenged in the 2010 primary election. Jones Response at 2.

12 B. Legal Analysis

13 The Federal Election Campaign Act of 1971, as amended (the "Act"), requires that every
14 political committee have a treasurer. 2 U.S.C. § 432(a). Each principal campaign committee of
15 a candidate must file a Statement of Organization that provides the name and address of the
16 treasurer of the committee, and the name, address, and position of the custodian of the
17 committee's books and accounts. 11 C.F.R. § 102.2(a)(1). The Act requires that each treasurer
18 for a political committee file reports of its receipts and disbursements in accordance with the
19 provisions of 2 U.S.C. § 434. See 2 U.S.C. § 434(a)(1).

20 The Committee's Statement of Organization and its disclosure reports state, above the
21 treasurer's signature line, "I certify that I have examined this [Statement or Report] and to the

² On July 3, 2008 (received by the Commission on July 9, 2008), the Committee submitted an amended Statement of Organization naming Dexter Porter as the new treasurer. The Committee filed a subsequent amended Statement of Organization on September 17, 2008, naming Patricia Moore as treasurer. Ms. Moore remained the treasurer until the Commission accepted the Committee's termination on October 15, 2009.

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1 best of my knowledge and belief it is true, correct and complete.” Mr. Jones essentially admits
2 that Committee representatives signed documents in complainant’s name, certifying that the
3 complainant had examined them and believed them to be true, correct, and complete, but states
4 that the signing was done with the complainant’s knowledge and permission. The complainant’s
5 signature on her complaint and the signatures on the Form 1 and the Forms 3 are clearly
6 different, so there was no apparent attempt to replicate or imitate the complainant’s actual
7 signature.³

8 Complainant does not assert that she never agreed to be the Committee’s treasurer, that
9 she never reviewed the Committee’s reports, or that she had no contact with the candidate or the
10 Committee during the relevant time period. Her complaint is confined to the allegation that the
11 Committee “forged” her name on several documents, and that she never gave anyone the right to
12 sign her name. The responses also do not state whether complainant reviewed the documents,
13 but only that she agreed to be treasurer, did not want to be bothered with “paperwork,” and
14 authorized Committee representatives to sign her name. Although there is a dispute as to
15 whether complainant authorized anyone at the Committee to “sign her name,” and treasurers are
16 expected to review committees’ reports and certify them with their own signatures or authorize
17 their signing by others, investigating the circumstances surrounding the signing of the
18 complainant’s name is not a worthwhile use of the Commission’s limited resources for two
19 reasons.

³ A comparison of the handwriting in Ms. Moore’s response with the complainant’s signed name on some Committee documents, coupled with the statement in Ms. Moore’s response that complainant “told me to just sign her name,” indicate that Ms. Moore may have signed complainant’s name on some of the documents. However, there are at least two different signatures reflected in the documents attached to the complaint, neither of which appears to be complainant’s. See Form 3 date-stamped July 18, 2007 and a letter dated March 28, 2008, attached to FEC Form 3Z-1.

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1 First, there are no substantive or timely reporting violations alleged with respect to the
2 Committee's reports that reflect the complainant's name as treasurer. FEC records show no
3 MURs, or ADR or Administrative Fine matters involving the Committee's disclosure reports
4 during the period when the complainant's name appeared on the Committee's reports. Second,
5 the only relief complainant seeks is that her name be removed from the Committee's filings or
6 that the Committee's documents be amended, but because the Commission terminated the
7 Committee in October 2009, there is no existing reporting entity that could agree to take such
8 actions, either in a conciliation agreement or as the recipient of a cautionary letter. However,
9 while not the precise relief complainant seeks, her complaint in this matter, when placed on the
10 public record, will stand as her assertion, albeit denied by the responses, that she never
11 authorized anyone at the Committee to sign her name on its filings.

12 Based on the above, the Commission exercises its prosecutorial discretion, dismisses the
13 complaint in this matter, and closes the file. *See Heckler v. Chaney*, 470 U.S. 821 (1985).

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1 **FEDERAL ELECTION COMMISSION**

2 **FACTUAL AND LEGAL ANALYSIS**

3 **MUR 6298**

4
5 **RESPONDENTS:** Vernon Jones for Georgia and Patricia Moore, in her official capacity as
6 treasurer (terminated)
7

8 **I. GENERATION OF MATTER**

9 This matter was generated by a complaint filed with the Federal Election Commission by
10 Angela L. Graham. See 2 U.S.C. § 437g(a)(1).

11 **II. INTRODUCTION**

12 The complaint in this matter alleges that Vernon Jones for Georgia and Patricia Moore, in
13 her official capacity as treasurer (terminated) (the "Committee"), forged complainant's signature
14 as treasurer on various Committee filings starting December 13, 2006 and continuing through
15 April 14, 2008.¹ The complainant states that she did not give the Committee authority to sign
16 her name. Patricia Moore, the treasurer when the Committee terminated in 2009, states that the
17 complainant agreed to be the Committee's treasurer and gave the Committee permission to sign
18 her name. Based on the available information, the Commission exercises its prosecutorial
19 discretion, dismisses the complaint, and closes the file. See *Heckler v. Chaney*, 470 U.S. 821
20 (1985).

¹ Vernon Jones for Georgia was Mr. Jones' principal campaign committee for his U.S. Senate run. Mr. Jones lost the Democratic primary run-off election on August 5, 2008 and the Committee terminated in October 2009. Vernon Jones for Congress and Lisa Cunningham, in her official capacity as treasurer, is the 2010 principal campaign committee for Mr. Jones' unsuccessful bid for the U.S. House of Representatives from Georgia's Fourth Congressional District. Mr. Jones lost the primary election on July 20, 2010. There are no allegations with respect to Vernon Jones for Congress.

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III. FACTUAL AND LEGAL ANALYSIS

A. Factual Background

The complainant alleges that the Committee forged her signature as treasurer of the Committee on its Statement of Organization (FEC Form 1), disclosure reports (FEC Forms 3), and on letters to the Secretary of the Senate, from December 13, 2006 through April 14, 2008. According to the complainant, "I have not given anyone authority to sign my name for any reason whatsoever." Complaint at 1. She also states that she never saw letters sent to her attention from the Commission as they were sent to a post office box with which she was not associated. She requests that her name be removed or the documents be amended to remove her name as the Committee's treasurer.

Patricia Moore, the treasurer of the Committee before it terminated, states that complainant's allegation that her name and signature were used on documents without her knowledge and permission is "false," and asks the Commission to dismiss the complaint. Moore Response at 1, 2. Ms. Moore states that complainant worked for Mr. Jones on previous campaigns. According to Ms. Moore, complainant agreed in December 2006 to serve as treasurer of the Committee "if she didn't have to be bothered with the paperwork" because "she had previous problems with paperwork on another campaign." Moore Response at 1. Ms. Moore states that she told complainant she would handle the paperwork and make sure the reports were filed for her, and the complainant agreed. Moore Response at 1. Thereafter, Ms. Moore states, "[w]hen I would contact [the complainant] about meeting with her to get her signature for the documents, she just told me to sign her name." Moore Response at 1. Ms. Moore points out that the Committee included the complainant's personal cell phone number

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1 on the Statement of Organization, which she asserts it would not have done without
2 complainant's permission. Moore Response at 2.

3 Ms. Moore also states that when complainant asked Mr. Jones to remove her name as
4 treasurer in July 2008, he relayed that request to Ms. Moore, who immediately filed an amended
5 Statement of Organization removing complainant's name as treasurer.² Moore Response at 2.
6 Finally, Ms. Moore notes that complainant is currently working on the campaign of an
7 incumbent whom Mr. Jones challenged in the 2010 primary election. Moore Response at 2.

8 **B. Legal Analysis**

9 The Federal Election Campaign Act of 1971, as amended (the "Act"), requires that every
10 political committee have a treasurer. 2 U.S.C. § 432(a). Each principal campaign committee of
11 a candidate must file a Statement of Organization that provides the name and address of the
12 treasurer of the committee, and the name, address, and position of the custodian of the
13 committee's books and accounts. 11 C.F.R. § 102.2(a)(1). The Act requires that each treasurer
14 for a political committee file reports of its receipts and disbursements in accordance with the
15 provisions of 2 U.S.C. § 434. See 2 U.S.C. § 434(a)(1).

16 The Committee's Statement of Organization and its disclosure reports state, above the
17 treasurer's signature line, "I certify that I have examined this [Statement or Report] and to the
18 best of my knowledge and belief it is true, correct and complete." The Committee essentially
19 admits that Committee representatives signed documents in complainant's name, certifying that
20 the complainant had examined them and believed them to be true, correct, and complete, but

² On July 3, 2008 (received by the Commission on July 9, 2008), the Committee submitted an amended Statement of Organization naming Dexter Porter as the new treasurer. The Committee filed a subsequent amended Statement of Organization on September 17, 2008, naming Patricia Moore as treasurer. Ms. Moore remained the treasurer until the Commission accepted the Committee's termination on October 15, 2009.

1 states that the signing was done with the complainant's knowledge and permission.

2 The complainant's signature on her complaint and the signatures on the Form 1 and the Forms 3
3 are clearly different, so there was no apparent attempt to replicate or imitate the complainant's
4 actual signature.³

5 Complainant does not assert that she never agreed to be the Committee's treasurer, that
6 she never reviewed the Committee's reports, or that she had no contact with the candidate or the
7 Committee during the relevant time period. Her complaint is confined to the allegation that the
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14 their signing by others, investigating the circumstances surrounding the signing of the
15 complainant's name is not a worthwhile use of the Commission's limited resources for two
16 reasons.

17 First, there are no substantive or timely reporting violations alleged with respect to the
18 Committee's reports that reflect the complainant's name as treasurer. FEC records show no
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³ A comparison of the handwriting in Ms. Moore's response with the complainant's signed name on some Committee documents, coupled with the statement in Ms. Moore's response that complainant "told me to just sign her name," indicate that Ms. Moore may have signed complainant's name on some of the documents. However, there are at least two different signatures reflected in the documents attributed to the complainant, neither of which appears to be complainant's. See Form 3 date-stamped July 18, 2007 and a letter dated March 28, 2008, attached to FEC Form 3Z-1.

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1 during the period when the complainant's name appeared on the Committee's reports. Second,
2 the only relief complainant seeks is that her name be removed from the Committee's filings or
3 that the Committee's documents be amended, but because the Commission terminated the
4 Committee in October 2009, there is no existing reporting entity that could agree to take such
5 actions, either in a conciliation agreement or as the recipient of a cautionary letter. However,
6 while not the precise relief complainant seeks, her complaint in this matter, when placed on the
7 public record, will stand as her assertion, albeit denied by the responses, that she never
8 authorized anyone at the Committee to sign her name on its filings.

9 Based on the above, the Commission exercises its prosecutorial discretion, dismisses the
10 complaint in this matter, and closes the file. *See Heckler v. Chaney*, 470 U.S. 821 (1985).

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